Functioning of Lok Adalats in Rajasthan and Orissa

33. SHRI RAMDAS AGARWAL: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of Lok Adalats held and cases disposed of in Rajasthan and Orissa during the last 3 years (year-wise) (District-wise); and

(b) the present position of pending cases and the reasons for delay if any, as on 29th February, 1992?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): (a) The information is being collected from the Rajasthan and Orissa State Legal Aid & Advice Boards and would be laid on the Table of the House, when received.

(b) No cases can remain pending with the Lok Adalats because if the cases are not settled by the Lok Adalats, they are sent back to the Courts.

जम्मू और कश्मीर में चुनावों का कराया जाना

34. **डा० रत्नाकर पाण्डेय** : क्या **विधि, न्याय और कम्पनी कार्य मंत्री** यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने जम्मू और कश्मीर में चुनाव कराने के लिए कोई कदम उठाया है ; और

(ख) यदि हां, तो उसका ब्यौरा क्या है ?

संसदीय कार्य मंत्रालय में राज्य मंत्री और विधि, न्याय तथा कंपनी कार्य मंत्रालय में राज्यमंत्री (श्री रंगराजन कुमार मंगलम) : (क) जम्मू-कश्मीर में निर्वाचन कराने के लिए अभी तक कोई औपचारिक कदम नहीं उठाया गया है।

(ख) प्रश्न ही नहीं उठता।

Amendment to Evidence Act

35. SHRI VIREN J. SHAH: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the Supreme Court of India and Law Commission have both proposed to Government to amend the Evidence Act to shift the burden of proof in cases of costodial deaths on the police or intelligence authority;

(b) if so, when the proposals were made and what are the details in this regard; and

(c) by when Government propose to bring forward a suitable amending legislation in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): (a) and (b) Taking note of the Supreme Court judgement, the Law Commission, in its 113th Report, submitted on 29 July, 1985, recommended the insertion of a new section, say, as section 114B, in the Indian Evidence Act, 1872, as under:—

"114B. (1) In a prosecution (of a police officer) for an offence constituted by an act alleged to have caused bodily injury to a person, if there is evidence that the injury was caused during a period when that person was in the custody of the police, the court may presume that the injury was caused by the police officer having custody of that person during that period.

(2) The court, in deciding whether or not it should draw a presumption under sub-section (1), shall have regard to all the relevant circumstances, including, in particular, (a) the period of custody, (b) any statement made by the victim as to how the injuries were received, being a statement admissible in evidence. (c) the